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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JOEL HOLLEY,

No. 2:10-cv-00615-MCE-EFB-P

12 Plaintiff,

13 v.

ORDER

14 GARY SWARTHOUT, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief
18 under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to
19 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On February 27, 2012, the magistrate judge filed findings and recommendations herein
21 which were served on all parties and which contained notice to all parties that any objections to
22 the findings and recommendations were to be filed within fourteen days. Although defendants
23 were granted an extension of time within which to object, the time has run and neither party has
24 filed objections to the findings and recommendations.

25 The court has reviewed the file and finds the findings and recommendations to be
26 supported by the record and by the magistrate judge's analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The findings and recommendations filed February 27, 2012, are adopted in full.

3 2. Plaintiff's May 20, 2011 motion for default judgment (Docket No. 40) is denied.

4 3. Defendants' Kesterson, Singh and Sisto's motion to dismiss (Docket. No. 35) is
5 GRANTED as to plaintiff's claim against defendant Singh, and is DENIED in all other respects.


6 4. Defendant Rogers' motion to dismiss (Docket No. 42) is DENIED.

7 5. Defendants Fox, Swarthout and Torres's motion to dismiss (Docket No. 52) is
8 DENIED.

9 6. Defendants Kesterson, Sisto, Rogers, Fox, Swarthout, and Torres are ordered to file
10 an answer to the complaint within the time provided in Rule 12 of the Federal Rules of Civil
11 Procedure.

12 7. Plaintiff is granted leave to file an amended complaint within 30 days of the date of
13 this order to attempt to state a claim against Singh.

14 Dated: March 29, 2012

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16 MORRISON C. ENGLAND, JR.
17 UNITED STATES DISTRICT JUDGE
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